

### **REMARKS/DISCUSSION OF ISSUES**

By this Amendment, Applicants amend claims 4, 7-10, 13 and 14. Accordingly, claims 1-14 are pending in the application.

### **CLAIM OBJECTIONS**

The Office Action objects to claims 4-8 and 13-14 because a multiple dependent claim cannot depend from another multiple dependent claim.

By this amendment, Applicants amend claims 4, 7, 8 and 13 so that no multiple dependent claims depend from any other multiple dependent claims.

Accordingly, Applicants respectfully submit that the claim objections are all addressed, and respectfully request that they be withdrawn.

### **35 U.S.C. § 103**

The Office Action rejects claims 1-3 and 9-10 under 35 U.S.C. § 103 over Saito et al. EP 0715241 (“Saito”) in view of Gehring U.S Patent Application Publication 2002/00116606 (“Gehring”), and claims 4-8 and 11-14 under 35 U.S.C. § 103 over Saito in view of Gehring and further in view of Perlman U.S Patent Application Publication 2002/0184506 (“Perlman”).

Applicants respectfully traverse those rejections for the following reasons.

#### **Claim 1**

Among other things, the method of claim 1 includes decrypting a signal using a decryption key (CW) corresponding to an encryption key that was used to encrypt the signal, processing the decrypted signal, and re-encrypting the processed signal using the encryption key that was first used to encrypt the signal.

Applicants respectfully submit that no proper combination of the cited references discloses or suggest any method including this combination of features.

The Office Action fairly admits that Saito does not disclose re-encrypting a processed signal using the encryption key that was first used to encrypt the signal.

However, the Office Action states that Gehring re-encrypts a decrypted signal using the encryption key that was first used to encrypt the signal, and that it

supposedly would have been obvious to have modified Saito to re-encrypt its processed signal using the same encryption key that was first used to encrypt the signal “*for the purpose of quickly decrypting and forwarding data.*”

Applicants respectfully submit that Gehring merely discloses re-encrypting messages in a forwarding node of a network, where the messages are not processed between decryption and re-encryption, nor are the re-encrypted messages stored. Therefore, Gehring merely re-encrypts exactly what he decrypts – like a repeater. Although Gehring mentions that the same key may be used for decryption and re-encryption, he does not give any reason for doing so, and in fact, repeatedly teaches that the keys *should* be different to prevent the forwarding node from eavesdropping on the messages that it forwards.

Furthermore, there is absolutely nothing in Gehring that teaches or even suggest that using the same keys for decryption and re-encryption would provide for “*quickly decrypting and forwarding data.*” Instead, Gehring teaches in paragraph [0042] that it is because all messages are unconditionally decrypted and then re-encrypted – without first waiting to make an encryption decision – that the system is relatively simple and inexpensive, and allows faster forwarding of encrypted messages. In other words, the advantages cited in the Office Action as a supposed reason to modify Saito have absolutely nothing to do with the choice of decryption and re-encryption keys – and certainly are not the result of using the same keys for encryption and re-encryption of Gehring’s unprocessed messages. So the proposed combination of references is traversed as lacking any reason therefor.

Accordingly, for at least these reasons, Applicants respectfully submit that claim 1 is patentable over the cited art.

#### Claims 2-3

Claims 2-3 depend from claim 1 and are deemed patentable over the cited art for at least the reasons set forth above with respect to claim 1.

#### Claim 9

Among other things, the system of claim 9 includes decryption means for decrypting a signal using a decryption key corresponding to the encryption key which

was used to encrypt the signal; means for processing the decrypted signal; and encryption means for re-encrypting the processed signal using the encryption key.

As explained above with respect to claim 1, Applicants respectfully submit that no proper combination of the cited references would produce a system that includes this combination of features.

Accordingly, for at least these reasons, Applicants respectfully submit that claim 9 is patentable over the cited art.

Claim 10

Claim 10 depends from claim 9 and is deemed patentable over the cited art for at least the reasons set forth above with respect to claim 9.

Claims 4-8 and 11-14

Claims 4-8 and 11-14 depend respectively from claims 1 and 9. Applicants respectfully submit that Perlman does not remedy the shortcomings of Saito and Gehring as set forth above with respect to claims 1 and 9. Therefore, claims 4-8 and 11-14 are deemed patentable for at least the reasons set forth above with respect to claims 1 and 9, and for the following additional reasons.

Claims 5, 6 and 14

Claims 5, 6 and 14 each include delaying a key stream after decrypting the signal and before re-encrypting the processed signal.

The Office Action does not cite anything in the prior art that discloses this feature.

Instead, the Office action just states that including such a feature “*would be well known to one of ordinary skill in the art at the time the invention was made.*”

A claim rejection cannot be sustained on conclusory statements and unknown authority. See M.P.E.P. § 2144.03(C) (“*It is never appropriate to rely solely on “common knowledge” in the art without evidentiary support in the record, as the principal evidence upon which a rejection was based.* Zurko, 258 F.3d at 1385, 59 USPQ2d at 1697 (“[T]he Board cannot simply reach conclusions based on its own understanding or experience—or on its assessment of what would be basic knowledge or common sense. Rather, the Board must point to some concrete

*evidence in the record in support of these findings.")) and M.P.E.P. § 2143 ("rejections on obviousness cannot be sustained with mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness."*

Here, the Office Action fails to provide any factual support for its conclusory statement regarding the knowledge of one of ordinary skill in the art. To the extent that the Office Action is taking Official Notice, Applicants respectfully traverse such notice and respectfully request evidence in support thereof. To the extent that the rejection of claims 5, 6 and 14 is in any way based on personal knowledge of the Examiner, Applicants respectfully request an affidavit under 37 C.F.R. § 1.104(d)(2) (see M.P.E.P. 2144.03(C)).

Accordingly, for at least these additional reasons, Applicants respectfully submit that claims 5, 6 and 14 are patentable over the cited art.

### **CONCLUSION**

In view of the foregoing explanations, Applicants respectfully request that the Examiner reconsider and reexamine the present application, allow claims 1-14 and pass the application to issue. In the event that there are any outstanding matters remaining in the present application, the Examiner is invited to contact Kenneth D. Springer (Reg. No. 39,843) at (571) 283.0720 to discuss these matters.

Respectfully submitted,

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